

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL J. PARKS

Appeal No. 96-1854
Application 08/067,992¹

ON BRIEF

Before HAIRSTON, JERRY SMITH, and BARRETT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed May 27, 1993.

Appeal No. 96-1854
Application No. 08/067,992

This is an appeal from the final rejection of claims 1 through 12.

The disclosed invention relates to real-time editing of a program stored on video tape.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for editing, in real time and in a single pass, a program stored on a video tape, said method comprising the steps of:

(a) storing a script in a computer, said script including at least one edit event represented by a key symbol followed by timing data and textual rendering instructions following said timing data;

(b) scanning said script until said key symbol is found and then

(i) storing said timing data; and

(ii) storing said textual rendering instructions in a text buffer;

(c) playing said video tape continuously through said program without pause to produce

(i) a first video signal; and

(ii) a SMPTE timing signal indicating elapsed time;

(d) comparing said elapsed time with said stored timing data until the elapsed time matches said stored timing data;

(e) converting said textual rendering instructions into a second video signal; and

(f) combining said first video signal with said second video signal.

Appeal No. 96-1854
Application No. 08/067,992

The references relied on by the examiner are:

Beausoleil et al. (Beausoleil)	3,740,723	June 19, 1973
Slade	4,863,384	Sept. 5, 1989
Nomura et al. (Nomura)	5,097,349	Mar. 17, 1992
Ardis et al. (Ardis)	5,172,281	Dec. 15, 1992

Claims 1, 4 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ardis in view of Nomura.

Claims 2 and 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ardis in view of Nomura and Beausoleil.

Claims 6, 7 and 10 through 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ardis in view of Slade.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ardis in view of Slade and Beausoleil.

Reference is made to the brief² and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and the obviousness rejection of claims 1 through 12 is reversed.

Ardis discloses a video transcript retriever that includes a video cassette recorder/player for videotaping a deposition, a video timecode generator/reader, and a control computer with software for controlling the timecode generator/reader and the

² As indicated in paper number 15, the reply brief was not entered by the examiner.

video cassette recorder/player. A transcript of the deposition is also maintained in software form in the computer. When a videotaped deposition is initially processed by the video transcript retriever, a timecode numerical address or designation control signal from the timecode generator/reader is recorded onto the control track 56 (Figure 4A) of the videotape. As seen in Figure 4A, the timecode numerical address signals 58a through 58e are located at intervals of 1/30 of a second along control track 56. Once the control track 56 has been recorded on the videotape, a numerical designation for each segment of the tape corresponding to the beginning of each deposition question is transferred from the software controlling the timecode generator/reader and videocassette recorder/player to the software containing the deposition transcript and correlated therewith. As illustrated in Figure 4B, for example, the mark 62 adjacent to the question Q on the software version of the deposition transcript corresponds to one of the timecode numerical addresses 58a through 58e on control track 56. In order to display a specific question and answer on the videotape, the software version of the deposition transcript is searched for the key words of the desired question and answer. When the desired question and answer is located on the software version of

the deposition transcript, the timecode number corresponding to the desired question is transferred from the software version of the deposition transcript to the software controlling the video cassette recorder/player. The desired portion of the videotaped deposition is thereafter located and displayed.

The examiner acknowledges (Answer, page 3) that "Ardis et al fail to show that the transcript data and the video data are combined," but states that "[i]t is well known in the art to combine textual data and video data for displaying on a single monitor as a simpler alternative to using separate displays, and Nomura et al show that textual data and video data are combined for display (figs. 15A-15C, column 3)." The examiner then concludes (Answer, pages 3 and 4) that "[i]t would have been obvious at the time the invention was made to a person of ordinary skill in the art to provide the system of Ardis et al with means for combining video data and textual transcript data so that video and textual data can be displayed on the same monitor, as shown by Nomura et al, thus simplifying the display and reducing the space needed for the display."

Appellant argues that even if it is assumed for the sake of argument that it would have been obvious to display video and textual data on the same monitor, "clauses (a), (b), (c), and (e) are not suggested by the prior art and are not addressed by the rejection" (Brief, page 13). We agree. As an example, a SMPTE timing signal indicating elapsed time in step (c) of claim 1 is never generated in Ardis, so how could Ardis ever perform the time comparison in step (d). The obviousness rejection of claims 1, 4 and 5 is reversed because Ardis and Nomura neither teach nor would they have suggested the steps outlined in claim 1.

The obviousness rejection of claims 2 and 3 is reversed because the teachings of Beausoleil do not cure the noted shortcomings in the combined teachings of Ardis and Nomura.

In the obviousness rejection of claims 6, 7 and 10 through 12, Slade is cited because of the use of a graphics card in a video recording/playback environment. Even if we assume for the sake of argument that it would have been obvious to one of ordinary skill in the art to "provide the video system of Ardis et al with a graphic card as shown by Blade [sic, Slade] to permit selected data to be conveniently and easily added to the video data prior to recording, thereby improving the flexibility of the system, as required by claims 6-7" (Answer, page 5), the

Appeal No. 96-1854
Application No. 08/067,992

combined teachings would still lack the monitoring and editing according to a SMPTE timing signal to produce a modified video signal as required by claims 6 and 12 (Brief, pages 16 through 19). The obviousness rejection of claims 6, 7 and 10 through 12 is, therefore, reversed.

The obviousness rejection of claims 8 and 9 is reversed because the teachings of Beausoleil do not cure the noted shortcomings in the combined teachings of Ardis and Slade.

DECISION

The decision of the examiner rejecting claims 1 through 12 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JERRY SMITH)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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)	
LEE E. BARRETT)	
Administrative Patent Judge)	

Appeal No. 96-1854
Application No. 08/067,992

Paul F. Wille
CAHILL, SUTTON & THOMAS
155 Park One
2141 East Highland Avenue
Phoenix, AZ 85016